IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

WP(C).No. 15081 of 2007(U)

PETITIONER:

REV.FR.JOSEPH PARAVUMMEL,
THE VICAR, ST.JOHN THE BAPTIST'S CHURCH,
MULAKULAM(N)PO, PERIAPPURAM,
ERNAKULAM DISTRICT,
PIN: 686 664.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY PRL.SECRETARY(REVENUE)
GOVT.SECRETARIAT, THIRUVANATHAPURAM.

2. THE DIST.COLLECTOR, ERNAKULAM.

3. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA.

4. THE TAHSILDAR,
MUVATTUPUZHA,
ERNAKULAM DIST.

5. THE VILLAGE OFFICER,
KOOTHATTUKULAM, ERNAKULAM DIST.

BY GOVT. PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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Writ Petition (Civil) No. 15081 of 2007 (U)

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Dated this the 15th day of May 2007.

J U D G M E N T

The Vicar of St. John the Baptist's Church, Mulakkulam (N) is the writ petitioner herein. It is stated that the Church, since long, has been in exclusive possession and enjoyment of 12.5 cents, which was always taken as a portion of the land held by it under the documents conveying title in its favour. On this basis, it is stated that the Church has constructed permanent structures and has been using the land for the religious activities that are carried on by it. However, of late, it appears that it was found that the property was in fact PWD Purambokku. Thereupon, contending that the land is required for the beneficial enjoyment of the properties of the Church, Ext.P1 application was made under the Kerala Land Assignment Rules, requesting the 3rd respondent to assign the land in its favour and according to the petitioner, the said application has not been considered till now.

2. It is in the above background that this writ petition has been filed praying inter-alia, for a direction to the 3rd respondent to consider and pass orders on Ext.P1 application, and that, in the meanwhile not to disturb its possession over the property in question.

3. Since Ext.P1 application, is a statutory one, the competent authority is bound to consider the same on its merits and pass orders. This having not been done, I see no reason why a direction to that effect shall not be issued. Accordingly, this writ petition will stand disposed of directing the 3rd respondent to consider and pass orders on Ext.P1, with notice to the petitioner, within 2 months of receipt of a copy of this judgment. In the meanwhile, the status quo as on date, in respect of the property mentioned in Ext.P1 shall be maintained. I make it clear that I have not expressed any opinion on the merits of the claim raised by the petitioner.

4. Petitioner is directed to produce a copy of this judgment before the 3rd and 4th respondents for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

ess 15/5.